

CITY COUNCIL MEETING
August 23, 2021

MAYOR & COUNCIL

Daniel M. Keller, Mayor
Todd D. Thomas, Council
Terry Larson, Council
Allyson Wadsworth, Council
I. Brent Dodge, Council

STAFF

Linda Acock, City Clerk
Cuyler Stoker, Sargeant
Kelly Mickelsen, Treasurer
Shawn Oliverson, Community Development
Tyrell Simpson, City Engineer
John Balls, Public Works Director
Lyle Fuller, City Attorney

OTHERS PRESENT:

Robert Swainston, Dixon Beckstead, Chuck Chesney, Patty Chesney, Jim Jensen, Steve Coleman, Val Porter

Council Meeting was called to order at 5:00 P.M. by Mayor Keller.

At the onset of the meeting, Mayor Keller announced the retirement of Jan Seamons. Mr. Seamons has been a loyal employee of the City of Preston for over 38 years. His service and knowledge was greatly appreciated and he will be missed.

Consent
Calendar

The consent calendar includes items which require formal Council action, but which are typically routine or not of great controversy. Individual Council members may ask that any specific item be removed from the consent calendar in order that it be discussed in greater detail. Explanatory information is included in the City Council's agenda packet regarding these items.

- A. Council Minutes (August 9, 2021)
- B. Bills (August 23, 2021)
- C. Swale Bond Refund Heather & Tony Crockett 578 Eagle Drive
\$1,425.00

It was moved by Councilmember Wadsworth and seconded by Councilmember Dodge to approve all items on the Consent Calendar, which include Council Minutes of August 9, 2021, Bills through August 23, 2021, and a swale bond refund to Heather and Tony Crockett at 578 Eagle Drive, in the amount of \$1,425.00. The vote was as follows:

Councilmember Thomas	<u>Aye</u>
Councilmember Larson	<u>Absent</u>
Councilmember Wadsworth	<u>Aye</u>
Councilmember Dodge	<u>Aye</u>

Motion passed by majority vote.

CITY COUNCIL MEETING
August 23, 2021

Public Hearing FY 2022 Annual Approp. Budget Mayor Keller gave guidelines for a public hearing, then called for the public hearing as follows:

CITY OF PRESTON IDAHO
NOTICE OF PUBLIC HEARING
PROPOSED BUDGET FOR FISCAL YEAR 2021-2022 (FY 2022)

Notice is hereby given that the City of Preston, Idaho will hold a public hearing for the consideration of the proposed budget for the fiscal period October 1, 2021 to September 30, 2022, pursuant to the provisions of section 50-1002, Idaho Code. The hearing will be held at City Hall, 70 West Oneida, Preston Idaho at 5:00 p.m. or as soon thereafter as this matter can be heard on August 23, 2021. All interested residents are invited to appear and offer testimony concerning the proposed budget. Copies of the proposed budget are available at City Hall during regular office hours (8:00 a.m. to 5:00 p.m. weekdays). City Hall is accessible to persons with disabilities. Anyone desiring special accommodations for disabilities, please contact the City Clerk at (208) 852-1817 at least 48 hours prior to the hearing.

Fund Name	EXPENDITURES		
	FY 2020 Actual Expenditures	FY 2021 Budgeted Expenditures	FY 2022 Proposed Expenditures
General Fund			
Administration	\$689,011	\$1,125,417	\$2,283,930
Police	\$836,366	\$1,126,543	\$1,157,610
General Fund Total	\$1,525,377	\$2,251,960	\$3,441,540
Street Fund	\$1,188,829	\$637,250	\$1,327,651
Water Fund	\$918,431	\$1,113,861	\$1,543,943
Sewer Fund	\$784,752	\$2,391,297	\$2,550,379
Garbage Fund	\$133,507	\$0	\$0
Hydro Fund	\$203,969	\$218,819	\$222,961
Fund Transfers	\$0	\$0	\$0
Grand Total All Expenditures	\$4,754,865	\$6,613,187	\$9,086,474

Fund Name	REVENUES		
	FY 2020 Actual Revenue	FY 2021 Budgeted Revenue	FY 2022 Proposed Revenue
Property Tax Levy			
General Fund	\$971,016	\$890,736	\$876,000
Street Fund	\$323,645	\$290,935	\$292,000
Total Property Tax Levy	\$1,294,661	\$1,181,671	\$1,168,000
Revenue Sources Other Than Property Tax			
General Fund	\$768,862	\$956,688	\$917,638
Street Fund	\$361,862	\$369,864	\$567,925
Water Fund	\$1,201,809	\$1,142,500	\$1,355,970
Sewer Fund	\$696,370	\$936,600	\$979,000
Garbage Fund	\$3,426	\$0	\$0
Hydro Fund	\$148,661	\$146,000	\$164,000
Grants	\$28,325	\$1,660,000	\$2,723,644
Reappropriation	\$469,261	\$219,864	\$1,210,297
Total Non-Property Tax Revenues	\$3,678,576	\$5,431,516	\$7,918,474
Grand Total All Revenues	\$4,973,237	\$6,613,187	\$9,086,474

The proposed expenditures and revenues for fiscal year 2021-2022 have been tentatively approved by the City Council. Publication dates for the notice of public hearing are August 4, 2021 and August 11, 2021 in the Preston Citizen.

Kelly Mickelsen, Treasurer

CITY COUNCIL MEETING
August 23, 2021

Mayor Keller stated that City Council has worked diligently on the fiscal year, 2021-2022 budget, and are happy to implement a workable budget without having to raise property taxes.

City Treasurer Mickelsen presented the proposed budget. He explained that the city did not take the 3% property tax increase. The employees received a 3% cost of living increase. As for the budget, it is a little over 9 million dollars this year, which is higher than it has been, because of the following:

Preston City received 1.2 million dollars in American Rescue plan monies. It has to be put into the budget to be able to spend it.

1.6 million for sewer.

\$600,00 in streets, which includes the \$220,000 street sweeper that we will receive grant monies for.

We moved \$150,000 from the general fund into street fund because we didn't have to pay the matching grant on the airport runway, so we moved that over to street funds.

\$340,000 for water, including a water tank reline & water study

There being no one present to offer testimony, and no written comments received at the clerk's office, it was moved by Councilmember Thomas and seconded by Councilmember Wadsworth to close the public hearing. The vote was as follows:

Councilmember Thomas	<u>Aye</u>
Councilmember Larson	<u>Absent</u>
Councilmember Wadsworth	<u>Aye</u>
Councilmember Dodge	<u>Aye</u>

Motion passed by majority vote.

Councilmember Wadsworth stated that she is confident and pleased with the budget.

Councilmember Thomas pointed out that the City of Preston has been good to either pay ahead on loans, or pay them off early.

Councilmember Dodge stated that the council has put in a good faith effort putting the budget together and thanked City Treasurer Mickelsen for his assistance.

Mayor Keller stated that the budgeting process can be excruciating at times, and he too feels that the council has put together a good, workable budget.

Council
Larson

Councilmember Larson arrived at 5:17 P.M.

Ordinance
2021-7
Annual
Approp.
2022 FY
Budget

Councilmember Dodge introduced Ordinance 2021-7 relating to the fiscal year 2022 annual appropriation budget, appropriating the sum of \$9,0186,474.

It was then moved by Councilmember Dodge and seconded by Councilmember Thomas to dispense with the rules requiring the Reading of Ordinances on three separate days, and ordered the ordinance to be read once in summary.

Clerk Acock read Ordinance 2021-7 once in summary.

It was moved by Councilmember Thomas and seconded by Councilmember Dodge to approve Ordinance 2021-7. The vote was as follows:

Councilmember Thomas	<u>Aye</u>
Councilmember Wadsworth	<u>Aye</u>
Councilmember Larson	<u>Aye</u>
Councilmember Dodge	<u>Aye</u>

Motion passed by unanimous vote.

CITY COUNCIL MEETING
August 23, 2021

Resolution 135 Employee Salary Schedule It was moved by Councilmember Larson and seconded by Councilmember Thomas to approve Resolution 135, the employee salary schedule, and to authorize Mayor Keller to sign said resolution. The vote was as follows:

Councilmember Thomas	<u>Aye</u>
Councilmember Wadsworth	<u>Aye</u>
Councilmember Larson	<u>Aye</u>
Councilmember Dodge	<u>Aye</u>

Motion passed by unanimous vote.
(A copy of Resolution 135 follows Minutes)

Resolution 136 Reserve Forgone Amount It was moved by Councilmember Thomas and seconded by Councilmember Wadsworth to approve Resolution 136, to reserve the forgone amount for fiscal year 2022, in the amount of \$34,073, and to authorize Mayor Keller to sign said resolution. The vote was as follows:

Councilmember Thomas	<u>Aye</u>
Councilmember Wadsworth	<u>Aye</u>
Councilmember Larson	<u>Aye</u>
Councilmember Dodge	<u>Aye</u>

Motion passed by unanimous vote.
(A copy of Resolution 136 follows Minutes)

Form L-2 2021 Dollar Certificate Of Budget County Commission It was moved by Councilmember Thomas and seconded by Councilmember Dodge to approve the 2021 Dollar Certification of Budget Request to Board of County Commissioners, Form L-2, and to authorize Mayor Keller to sign said form. The vote was as follows:

Councilmember Thomas	<u>Aye</u>
Councilmember Larson	<u>Aye</u>
Councilmember Wadsworth	<u>Aye</u>
Councilmember Dodge	<u>Aye</u>

Motion passed by unanimous vote.
(A copy of Form L-2 follows Minutes)

Minor Subdivision Input Steve Coleman, of Preston, came before the board to state concern that Preston Municipal Code 16.22.010(b) is not being followed.

The code states that no original parcel of land as defined in Section 16.08.295 may be divided into more than four (4) separate parcels using any combination of methods, including the one split allowed under Section 16.04.030.E. Section 16.08.295 defines an original parcel as a parcel in which the legal description was created before June 13, 1974.

He is concerned that the final plat for the AMR5 Minor Subdivision is before the council, but that it has been split over four times, and cannot be split again, under the minor subdivision rules. All of the properties were split and recorded after 1974. This should be a regular subdivision, with the infrastructure improvements done.

Final Plat AMR5 Minor Subdivision Mayor Keller invited Mr. Beckstead to present his final plat.

Mr. Beckstead stated that, in regard to Mr. Coleman's comments, Mr. Coleman and other surrounding property owners received a letter from the city clerk, dated May 20th, advising that they have 14 days to comment on any issues they might with the minor subdivision. The 14 days has long passed. As well, this matter was not brought up to him, but instead, he heard about it through the rumor mill.

He presented his interpretation of the splits, stating that he has not exceeded the allowed four splits. The property was combined in 1976. In 1974, the properties were split.

Legal counsel has been working on the matter of the culvert, and that should be taken care of. Mr. Beckstead monitored the culvert during the recent rainstorms, and there was never sufficient water running in the culvert. He suggested that a release of liability for the City in the Development Agreement should be sufficient. When, or if, 6th South is developed, this issue can be addressed.

CITY COUNCIL MEETING
August 23, 2021

During the previous week, Attorney Fuller wrote a letter to Mayor Keller and Councilmember Dodge concerning the issue of how many times the property has been split, and interpretation of Preston Municipal Code. Attorney Fuller addressed council with respect to that issue. He did review the codes and law, but has not reviewed the specific deeds that were presented. There isn't disagreement in the reading of the code, the disagreement is with how many splits have been done on this property. (A copy of Attorney Fuller's letter follows Minutes)

Attorney Fuller recommended that the council, if they have consternation about the splits, allow Mr. Beckstead more time to respond, before denying the final plat.

In respect to the culvert, Attorney Fuller has conversed with Mr. Beckstead's attorney, Jared Coburn. They discussed the various proposals from council at the previous city council meeting. They did not come to a resolution for the culvert.

Engineer Simpson explained that he briefly reviewed the splits of the property at the Franklin County Assessor's Office. The three parcels, 4744.01, 4744.02 and 4744.03 were created in 1980, 1982 and 2018, respectively.

Mayor Keller stated that there is an issue, not only with the culvert, but with the property split, as well. Mr. Beckstead has been working on this project since May, but there are still hurdles to jump.

Mr. Beckstead stated that all the parcels were combined in 1976. In 1974, the legal descriptions were separate parcels.

Councilmember Dodge recommended that staff research the "mother" parcel of the property, and the breakdown of the parcels, and since this is a new issue brought onto Mr. Beckstead, that Mr. Beckstead be given more time to address the issue of parcels. He further advised that the original parcels, splits, and deeds need to be researched further, as this could be problematic.

Councilmember Thomas stated that, in his opinion, the culvert is not an issue. He asked legal counsel how secure a hold harmless clause could be.

Attorney Fuller advised that the council needs to consider who would be around to honor the agreement ten to twenty years from now. Mr. Beckstead is the developer of the subdivision, but he is not the owner of the subdivision. So, there is concern over who would be held liable, the developer, the subdivider, or the lot owner.

Mayor Keller asked on the importance of the date June 24, 1974. Councilmember Larson stated that the date was pulled from the original creation of the subdivision ordinance.

Mayor Keller stated that his objective interpretation is that precedent is being set, and that council needs to review the issue carefully before moving forward.

Councilmember Dodge stated that he wants the rules and ordinances followed. He does want Mr. Beckstead to be able to develop the property, but it must be done right.

Councilmember Larson stated that the final plat fits the intention of the minor subdivision. Three lots are being developed along an already established road. There isn't a need to develop 6th South until further development, if and when, is done.

Councilmember Wadsworth stated that her concern is how do we prevent these issues from coming up in the future. The ordinance and intent needs to be more specific.

CITY COUNCIL MEETING
August 23, 2021

It was moved by Councilmember Thomas and seconded by Councilmember Larson to approve the final plat for AMR5 Minor Subdivision, and to authorize Mayor Keller to sign the mylar. The vote was as follows:

Councilmember Thomas	<u>Aye</u>
Councilmember Larson	<u>Aye</u>
Councilmember Wadsworth	<u>Aye</u>
Councilmember Dodge	<u>Nay</u>

Motion passed by majority vote.

Resolution 137 State Street Road Diet It was moved by Councilmember Larson and seconded by Councilmember Dodge to approve Resolution 137, a resolution setting forth the wishes of the city council in regards to the road diet on State Street, and to authorize Mayor Keller to sign said resolution. The vote was as follows:

Councilmember Thomas	<u>Aye</u>
Councilmember Larson	<u>Aye</u>
Councilmember Wadsworth	<u>Nay</u>
Councilmember Dodge	<u>Aye</u>

Motion passed by majority vote.
(A copy of Resolution 137 follows Minutes)

Executive Session It was moved by Councilmember Wadsworth and seconded by Councilmember Larson to enter into Executive Session to discuss personnel as allowed in Idaho Code 74-206(1)(b). The vote was as follows:

Councilmember Thomas	<u>Aye</u>
Councilmember Larson	<u>Aye</u>
Councilmember Wadsworth	<u>Aye</u>
Councilmember Dodge	<u>Aye</u>

Motion passed by unanimous vote.

Enter Executive Session: 6:40 P.M.
Exit Executive Session: 7:00 P.M.

Adjourn Meeting was adjourned at 7:00 P.M. by Mayor Keller.

Linda Acock, Clerk

Daniel M. Keller, Mayor